
THE NEW SOUTH AFRICA

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This is a momentous and historical time for South Africa. We have turned our backs on the past: a totally new political future awaits us. The South African Government has committed itself to work for a political order based on just, democratic and universally acceptable principles. Our goal is to establish a new South Africa free from all forms of domination, oppression or discrimination.

Important strides have already been taken towards this goal. All racially discriminating laws and regulations have been scrapped, and no other measures with the same purpose will be instituted. Following the release of Mr. Nelson Mandela in February, 1990, there was a continuous process of releasing political prisoners and detainees. The State of Emergency has been repealed, and all detainees held in terms thereof have been released. The ANC, and other previously banned organizations, have been unbanned and freedom of political expression has become the order of the day. The South African Government has committed itself to a process of negotiation with all political parties, with a recognized constituency, with a view to formulating a new constitution enjoying majority support. With the adoption of the Groote Schuur and Pretoria Minutes, an accord was reached between the Government and the ANC which opened the way to proceed towards negotiations on a new constitution.

In its resolve to create a new South Africa, the Government has set itself a demanding agenda, full of risks. It has to contend with ever-rising expectations, radicalism at both ends of the political spectrum, political violence, intimidation and poverty. To overcome these difficulties we need, above all, a strong economy. More equity in our society is essential and this goal can only be

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reached by strong economic growth and greater allocation of resources to the needy. South Africa has the potential to provide higher living standards to all its people.

What kind of new South Africa do we aim for? In political terms the South African Government believes in universal franchise and a power-sharing formula not dissimilar to that of the US. We say yes to one person-one vote, but no to a winner-take-all model. The political philosophy espoused by Madison in the Federalist Papers concerning checks and balances in order to avoid the tyranny of the majority, is also our philosophy. This, we believe, offers the best guarantee for a just and democratic South Africa. The pluralistic nature of our society and its potential for inter-group conflict leaves us little other alternative.

At the negotiation table, the Government will strive to convince other parties to join in the pursuit of these principles. For they can form a binding factor for our society and our new nation.

The process of fundamental reform in South Africa, set in motion with State President de Klerk's historic speech at the opening of Parliament on February 2, 1990, has changed South Africa's international situation dramatically. The pariah status and isolation which hampered our country for many years, are giving way to international acceptance and understanding. During President de Klerk's visits to Europe, the US and several African countries, it has become evident that South Africa was seen in a different light.

South Africa's relationship with the rest of the African continent, and in particular the Souther African region, remains of prime importance in our international position. Africa needs effectively-managed development more than ever before. South Africa is in a unique position to play an important role in this regard. With its well established economy, backed by a sophisticated infrastructure and a wealth of entrepreneurial and technological expertise, South Africa is the natural cornerstone of economic development in Southern Africa. The growing pragmatism shown by African leaders and their increasing acceptance of a changing South Africa, as a partner in development, is opening up exciting new prospects.

South Africa has never asked for any foreign aid, and it is not our intention to do so. But only a strong and growing economy can allow us to improve the living standards of our own people and to play a constructive role in developing our region.

South Africa is entering an exciting new era both in its internal situation and as an integral part of Southern Africa and the world. There are vast human, mineral and economic resources waiting to be developed. Important new projects are already underway as a result of new relationships brought about by a new South Africa. It is in everyone's interest, not least that of the foreign entrepreneur and investor, to become part of it.

The overwhelmingly positive result of the referendum on March the 17th, 1992, has given new momentum to the process of change in the country. Nobody doubts its irreversibility any longer. The debate is no longer on the question whether a new and just order should replace the old; nor about whether it should include all South Africans.

The full focus is now on the question how the new dispensation should look.

In the negotiations, the Government's concern is a constructive build-up: to create constitutional circumstances in which all South Africans may live their lives in peace and security, raise their children, develop their talents and retain that for which they have worked hard. Ultimately, it concerns a constitution under which everybody may feel safe because not only majorities, but minorities as well, will have a meaningful voice in the government of the day; and also because that constitution will entrench the values and principles that are needed for fairness and justice, for peace and security.

We believe it is possible to achieve this by dividing the next step into two phases: the first being a preparatory phase to transitional government and the second the institution of a transitional constitution in terms of which a transitional executive authority and parliament may be elected.

In the preparatory phase, the participating parties will be committed by their participation in executive structures to maintaining a climate in which there will be political participation and elections free of intimidation and political violence. In this phase all the necessary preparatory work will be done for the just institution of a new government according to new constitutional provisions.

As is known already, the Government's proposals for a new constitution, will provide for a legislature or parliament consisting of two chambers.

The first chamber or National Assembly will be elected on the basis of proportional representation.

The second chamber or Senate will be constituted differently to give regions equal representation and to ensure that parties from regions are given meaningful co-responsibility.

The Government further proposes that an Executive Council will replace the present State President and will carry out the functions of the Head of State and the Head of Government. The Executive Council will reach its decisions through consensus.

The Chairman of the Executive Council will rotate, six-monthly in the transitional government, and the member who is chairman will be known as the President and will also fulfil the ceremonial functions of the Head of State.

When it comes to the composition of the Executive Council, the Government's new proposal differs in a very important respect from previous proposals.

The Government, through the State President, proposed on 23 April 1992, that the Executive Council of the interim government should be elected directly by all South African citizens who will be entitled to vote on the basis of a new, negotiated electoral act. Furthermore, every party will be able to nominate one candidate and everyone who qualifies for the franchise shall have one vote. The three to five candidates who receive the highest number of votes will be elected as members of the Executive Council.

Among the most important advantages of the direct election of an Executive Council are the following:

Democracy is maintained and, in fact, expanded.

Leaders with proven support are identified and acquire a direct responsibility to those who elected them.

The separation of the Legislative and Executive Authorities is strengthened.

In conclusion, some words on the question of transitional government.

History worldwide has taught us that transitional phases may be very dangerous. Destabilization in structures of government offer opportunities to adventurers who wish to take over power-usually adventurers who maintain that they wish to take over power in the name of and on behalf of the people, but then proceed to use that power as their own in their own right. We have seen the misery this has brought to people and nations. Africa and Eastern Europe have provided recent examples.

For that reason, we do not wish to leave South Africa without a responsible government at any time during the process of democratization; responsible because the responsibility to govern is entrusted to it by the voters and its mandate has to be revised regularly in general elections. The present constitution, with its limited basis of representation, contains controls over the executive authority.

Any form of transitional executive authority without such controls, will give it unlimited dictatorial powers, which is unacceptable.

In addition, any ensuing government also has to remain subject to other checks and balances, and to other values and principles entrenched in a constitution. In the process, we may not at any time move from an imperfect constitution, which the present one certainly is, to an even more imperfect one. We have to get a better constitution, never a worse one.

Precisely because our next Constitution will be a transitional one, it has to provide for a more representative and, therefore, responsible government; it has to be, in particular, a powersharing constitution so that minorities may feel safe under it and may have an equal voice in the planning and determination of further constitutional development; it also has to embody a Bill of Fundamental Rights and a constitutional court will have to be instituted.

Conflicts, whether regional or global, have many origins and frequently reach so far into history that the antagonists have forgotten, or no longer care about the initial causes. In many countries and regions, conflict and strife seem to have become a way of life. We, in South Africa, have decided to break out of the web of conflict and strife and to reach out to reconciliation and restructuring, to a new and better way of life.

In this, we find ourselves in step with the international community and its awareness of the dangers of conflict and violence. The world of today, as we in South Africa, seems to stand on the threshold of a breakthrough to peace and reconciliation.

Recent events have again reminded us pertinently of the terrible danger of conflict, of the fact that the nuclear arsenals of the world are capable of destroying the greater part of life on this planet. This presents us with one of our greatest challenges: to ensure the survival, not only of mankind, but also of the whole environment.

Also in this wider context South Africa is prepared to play its part in ensuring peace and in warding off the threat of destruction and extortion. By signing the Treaty on the Non-Proliferation of Nuclear Weapons and a Safeguards Agreement with the International Atomic Energy Agency, we have demonstrated our determination in this regard. We look forward to the whole of the Southern African region being a zone free of nuclear weapons, as part of inter-regional co-operation for the development of the entire sub-continent.

The international community, it is true, has a duty to encourage the peaceful resolution of regional and national disputes. It has already conferred on the

United Nations a significant role in fostering world peace and is considering adding to those responsibilities in the future.

However, while any moves to achieve these aims deserve encouragement, it has to be remembered that it is, in the last resort, not the international community, but the disputing parties themselves who have to resolve their conflicts and live with the results of their decision. Accordingly, an important limitation is enshrined in the United Nations Charter explicitly prohibiting any positive encouragement from becoming interference.

As is so often the case with reforms, obstacles of fear and suspicion have to be overcome to reach the democratic ideal. In this, South Africa is no exception.

Ideally, the ongoing process of constitutional adaptation should take place in an atmosphere of peace, respect and trust. Nevertheless, there are always those that do not wish to accept one another and that resort to violence to achieve their ends. We dare not condone the methods of these groups. Anarchy and chaos cannot be tolerated in any civilized country anywhere.

The vast majority of South Africans are in favour of a process of peaceful and constructive negotiation leading to the adoption of a new, fair and just constitution. This has been demonstrated clearly by the participation of most of the significant South African political leaders in the Convention for a Democratic South Africa which met for the first time last December.

The challenges facing the architects of the new South Africa are enormous. We have to reconcile the concept of democracy — within an undivided state — with the realities of diverse cultures, races, languages and history. For generations, many believed this was impossible. We are aware of the difficulties on the road ahead, but we are also convinced that the leaders of our country will overcome these difficulties in the unique process of peaceful negotiation that has begun in South Africa.

The irreversibility of the current initiatives is no longer in question. The good faith of the South African government has been demonstrated beyond doubt. It has levelled the playing field for everybody and removed pillars of statutory discrimination that still inhibited the process of peaceful negotiation.

Much remains to be done, but we are undoubtedly moving towards a new constitution which will include all South Africans in a just and equitable manner.

We would like to believe that our friends and all those who wish South Africa well, will allow South Africans to proceed with their negotiations unhindered

in an atmosphere of reconciliation. The old stereotypes concerning South Africa no longer apply. What we need now is a positive attitude of general encouragement for the process on which we have embarked.

Notwithstanding the progress we have already made in the constitutional field, we face a tremendous challenge of socio-economic development and upliftment, aggravated by factors such as rapid population growth and urbanization. All this is placing enormous demands on our available resources.

While we have considerable technical and other resources needed to meet future challenges, the immediate need is quite clearly for economic involvement in South Africa, if we are to generate the required jobs, skills, education and services to build a prosperous future for all our people. We have noted with appreciation the interest expressed in this regard by many and give the assurance that we will continue to create a favorable climate for investment.

II — THE CODESA PROCESS

The CODESA process starts this week after its Second Plenary Session at the weekend.

The ANC leader, Mr. Nelson Mandela, most aptly described CODESA TWO's recovery from deadlock and confrontation in his closing remarks on Saturday when he called it a meeting which «had done a remarkable job». He and the State President, Mr. F.W. de Klerk, had turned the process away from a chasm of recrimination and personalised blame for a deadlock on constitutional principles, towards a new streamlined assault on a few outstanding issues which will bridge the gap to a deal on an Interim Government and a Constitution-making Body. A Third Plenary Session, likely to be the second last for CODESA, is expected to meet within weeks. It is to give the nod to all the agreements thus far reached in the five Working Groups as well as the final settlements arrived at on outstanding issues through restructured negotiations to be guided by the Management Committee.

The aim is to have agreements translated into the necessary legislation to establish a Transitional Executive Council while CODESA completes its final assignment, the writing of an Interim Constitution. Once a final CODESA Ple-

nary Session approves the constitution, preparations can start for the first open elections to choose an Interim Parliament charged with writing South Africa's new democratic constitution and governing the country under an All-Party Executive formed from within its elected ranks. The outstanding issues are the ones which will present the process with the most vexing difficulties. They will also require applied bargaining of the most enlightened kind to break through the stalled issues.

Although the deadlock was finally focused on an argument over a few percentage points in the voting majority required by the Constitution-making Body to approve the key structures and functioning of future Regional Authorities, the problem does have substrates which are not yet as finally agreed upon as they appeared at the weekend. Another two issues which also wait for finality are the disagreement on the level of representation at which the Zulu King and other traditional leaders may enter the CODESA process and the format by which it will accommodate newcomers such as the PAC, AZAPO and the CP who may yet wish to be admitted before the rules for the first elections are drawn up. The main contest of wills will come about around the constitutional principles which will be the mould into which the detail of the interim and final Constitutions must be cast.

In essence the argument around such issues as special majorities, a Second Legislative Chamber or Senate and the powers, duties and functions of Regional Authorities, is an argument about the final shape of South Africa's constitutional future. The parties involved are aware that once these principles have been approved by CODESA, the skeleton of the country's final constitution will be in place and that its final shape will thus be largely predetermined. For this reason the constitutional debate lying ahead for whatever elements of CODESA are charged with reaching an agreement, will be a toe-in-toe contest of the fiercest intensity. For this reason also the mix of negotiations can be expected to be altered radically by the mandate given to the Management Committee, particularly after the conflict which emerged between the main players, the ANC and the Nationalist Party, at the weekend.

It can be expected that the remaining negotiations will be conducted under pressures of urgency in order to present Parliament with a legislative package it can dispense of before adjourning next month. While the crisis underlined some of the weaknesses of the structure of CODESA, giving impetus to argu-

ments for streamlining it, the threatening reality of deadlock in the end proved to enhance the credibility of the process. Delegates were suddenly faced with the reality that failure left no other options.

CODESA, at the weekend, matured into a serious forum facing serious challenges from which South Africa expects serious history-making formulae for its future to emerge.

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